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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3836 OF 2006

Mangesh @ Rahul Shivram Jadhav .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.K.S.Patil for applicant
Mr.P.A.Pol, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 14th November 2006

P.C.

. The applicant is arrested on 22nd February 2006 in connection with C.R.No.713 of 2006 registered with Oshiwara Police Station, Mumbai. The offences alleged are punishable under section 363, 376 of I.P.C.

2. This application was argued on the last occassion and it was pointed out to the learned

Advocate appearing for the applicant that the applicant has mentioned his residential address of Andheri in the cause title of the application, whereas, before the learned Sessions Judge, applicant has mentioned his address as that of Sion Koliwada. Upon noticing this descripancy and error, learned Advocate appearing for the applicant sought time to amend the application. He has accordingly amended the application and on instructions he makes a statement that applicant prior to his arrest was residing at 18, Nehru Nagar, Sardar Nagar No.3 opposite Panchavati Bakery, Hemant Manjarekar Marg, Sion Koliwada, Mumbai 400 037.

3. Learned A.P.P. states that this address will have to be verified because the application which was preferred earlier before this Court and in the court of additional sessions Judge some other details with regard to the residential address, which are distinct from the present application, have been set out.

4. In my view, that is an aspect which will have to considered while imposing conditions, if it is held that the applicant is entitled to be enlarged on bail.

5. From the statement of the prosecutrix, a copy of which is annexed to this application, it is apparent that the prosecutrix and the applicant were known to each other. Prosecutrix on her own stated that she did not furnish details and had misled the mother, whenever she left house for meeting present applicant.

6. It appears that the applicant was working at the relevant time at a place where the prosecutrix was also residing and/or working. She was a domestic help. In such circumstances and when the investigations are complete and charge sheet is filed, the applicant deserves to be enlarged on bail. Prima facie, this appears to be a matter where the applicant has breached

the promise allegedly given to the prosecutrix of marriage. Mr.Patil has taken instructions and states that the applicant would not enter the limits of Oshiwara Police Station. In my view, while enlarging the applicant appropriate conditions can be imposed and following order would, therefore, sub-serve the ends of justice.

7. Hence, following order:-

i) The applicant arrested in connection with C.R.No.713 of 2006 registered with Oshiwara Police Station shall be enlarged on bail in the sum of Rs.5,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before Sion police station once a week on every Saturday between 7.00 p.m. and 9.00 p.m. till conclusion of the

trial. The applicant shall not enter limits of Oshiwara police station. Applicant shall continue to reside at the address mentioned in the cause title and he will not change the same without prior intimation to I.O.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution

witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)